

SENATE BILL No. 71

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-28-5; IC 34-30-2-84.7.

Synopsis: Teacher licensing. Allows the department of education to convert a teacher's license to probationary status or issue a public reprimand for certain offenses. Provides for notification to the state superintendent of public instruction when a teacher is arrested, is convicted, or enters into a diversion program for a felony or misdemeanor. Provides immunity for an individual who notifies the state superintendent that a teacher has been arrested or convicted or has entered into a diversion program.

Effective: July 1, 2009.

Lubbers, Yoder

January 7, 2009, read first time and referred to Committee on Education and Career Development.

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First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

SENATE BILL No. 71

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 20-28-5-7, AS ADDED BY P.L.246-2005,
2 SECTION 158, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2009]: Sec. 7. **(a)** On the written
4 recommendation of the state superintendent, the department may
5 suspend or revoke a license, **or issue a public reprimand to the**
6 **licensed individual**, for:
7 (1) immorality;
8 (2) misconduct in office;
9 (3) incompetency; or
10 (4) willful neglect of duty.
11 **(b) Instead of suspending or revoking a license under subsection**
12 **(a), the department may convert a license to a probationary license**
13 **with the possibility for reinstatement.**
14 **(c) For each license conversion, suspension, or revocation, the**
15 **department shall comply with IC 4-21.5-3.**
16 SECTION 2. IC 20-28-5-8, AS AMENDED BY P.L.151-2006,
17 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



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JULY 1, 2009]: Sec. 8. (a) This section applies when a prosecuting attorney knows that a licensed employee of a public school or a nonpublic school has been convicted of an offense listed in subsection (c). The prosecuting attorney shall immediately give written notice of the conviction to the following:

(1) The state superintendent.

(2) Except as provided in subdivision (3), the superintendent of the school corporation that employs the licensed employee or the equivalent authority **if of a charter school or** a nonpublic school **that** employs the licensed employee.

(3) The presiding officer of the governing body of the school corporation that employs the licensed employee, if the convicted licensed employee is the superintendent of the school corporation.

(b) The superintendent of a school corporation, presiding officer of the governing body, or equivalent authority for a **charter school or** nonpublic school shall immediately notify the state superintendent when the individual knows that a current or former licensed employee of the public school or nonpublic school has been convicted of an offense, ~~listed in subsection (c):~~ **been arrested or charged with a misdemeanor or felony, been the subject of an arrest warrant for a misdemeanor or felony, or entered into a diversion program.**

(c) The department, after holding a hearing on the matter, shall permanently revoke the license of a person who is known by the department to have been convicted of any of the following felonies:

(1) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age.

(2) Criminal confinement (IC 35-42-3-3), if the victim is less than eighteen (18) years of age.

(3) Rape (IC 35-42-4-1), if the victim is less than eighteen (18) years of age.

(4) Criminal deviate conduct (IC 35-42-4-2), if the victim is less than eighteen (18) years of age.

(5) Child molesting (IC 35-42-4-3).

(6) Child exploitation (IC 35-42-4-4(b)).

(7) Vicarious sexual gratification (IC 35-42-4-5).

(8) Child solicitation (IC 35-42-4-6).

(9) Child seduction (IC 35-42-4-7).

(10) Sexual misconduct with a minor (IC 35-42-4-9).

(11) Incest (IC 35-46-1-3), if the victim is less than eighteen (18) years of age.

(12) Dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1).

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(13) Dealing in methamphetamine (IC 35-48-4-1.1).

(14) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2).

(15) Dealing in a schedule IV controlled substance (IC 35-48-4-3).

(16) Dealing in a schedule V controlled substance (IC 35-48-4-4).

(17) Dealing in a counterfeit substance (IC 35-48-4-5).

(18) Dealing in marijuana, hash oil, or hashish (IC 35-48-4-10(b)).

(d) A license may be suspended by the state superintendent as specified in IC 20-28-7-7.

SECTION 3. IC 20-28-5-8.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 8.5. (a) The superintendent of a school corporation, presiding officer of the governing body, or equivalent authority for a charter school or nonpublic school who notifies the state superintendent under section 8 of this chapter is immune from any civil or criminal liability that might otherwise be imposed because of the notification.**

(b) An individual who has acted maliciously or in bad faith is not immune from civil or criminal liability under this section.

(c) An individual who notifies the state superintendent under section 8 of this chapter is presumed to have acted in good faith.

SECTION 4. IC 34-30-2-84.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 84.7. IC 20-28-5-8.5 (Concerning a person who notifies the state superintendent of public instruction that a licensed school employee has been arrested or convicted or has entered into a diversion program).**

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